

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON FISH, WILDLIFE AND PARKS**

**Call to Order:** Chairman Kendall Van Dyk, on February 5, 2009 at 3:00 P.M., in Room 152 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Kendall Van Dyk, Chairman (D)  
Rep. Gordon R. Hendrick, Vice Chairman (R)  
Rep. Dick Barrett (D)  
Rep. Paul Beck (D)  
Rep. Carlie Boland (D)  
Rep. Joel Boniek (R)  
Rep. Frosty Boss Ribs (D)  
Rep. Jill Cohenour (D)  
Rep. Mike Milburn (R)  
Rep. Mike Miller (R)  
Rep. Jesse O'Hara (R)  
Rep. Ken Peterson (R)  
Rep. Mike Phillips (D)  
Rep. JP Pomnichowski (D)  
Rep. Cary Smith (R)  
Rep. Ted Washburn (R)  
Rep. Jeffery Welborn (R)

**Members Excused:** Rep. Dave McAlpin, Vice Chairman (D)

**Members Absent:** None.

**Staff Present:** Bryce Bennett, Committee Secretary  
Doug Sternberg, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 74; HB 317; HB 366; HJ 10

Executive Action: HB 166; HB 172; HB 253; HB 346;  
HB 337

**EXECUTIVE ACTION ON HB 253**

00:01:14 **Motion:** Rep. Phillips moved that **HB 253 DO PASS.**

**Discussion:**

00:01:17 Rep. Phillips  
00:03:54 Rep. Milburn  
00:05:30 Chairman Van Dyk

00:05:47 **Motion:** Rep. Van Dyk moved that **HB 253 BE AMENDED.**  
**EXHIBIT (fih27a01)**

**Discussion:**

00:06:13 Chairman Van Dyk  
00:09:13 Rep. Phillips  
00:10:46 Rep. Peterson  
00:11:01 Chairman Van Dyk  
00:11:26 Rep. Milburn  
00:12:22 Rep. Miller  
00:12:49 Rep. Phillips  
00:13:35 Rep. Beck  
00:14:52 Chairman Van Dyk  
00:15:03 Rep. Phillips  
00:15:35 Rep. O'Hara  
00:16:06 Doug Sternberg, Legislative Services Division (LSD)  
00:16:25 Rep. Peterson  
00:16:41 Chairman Van Dyk  
00:17:06 Rep. Phillips  
00:18:07 Rep. Cohenour  
00:18:27 Chairman Van Dyk  
00:19:03 Rep. Cohenour called the question on the amendment.

00:19:05 **Vote:** Motion failed 8-10 by roll call vote with Rep. Barrett, Rep. Boland, Rep. Boss Ribs, Rep. Cohenour, Rep. Phillips, Rep. Pomnichowski, and Rep. Van Dyk voting aye. Rep. McAlpin voted by proxy.

**Discussion:**

00:20:39 Rep. Cohenour called the question.

00:21:54 **Vote:** Motion failed 8-10 by roll call vote with Rep. Barrett, Rep. Boland, Rep. Boss Ribs, Rep. Cohenour, Rep. Phillips, Rep. Pomnichowski, and Rep. Van Dyk voting aye. Rep. McAlpin voted by proxy.

00:22:10 **Motion:** Rep. Peterson moved that **HB 253 BE TABLED.**

00:22:16 **Vote:** Motion carried 17-1 by voice vote with Rep. Phillips voting no . Rep. McAlpin voted by proxy.

**EXECUTIVE ACTION ON HB 346**

00:22:50 **Motion:** Rep. Hendrick moved that **HB 346 DO PASS.**

**Discussion:**

00:23:01 Rep. Cohenour

00:23:34 Rep. Washburn

00:23:40 **Motion:** Rep. Washburn moved that **HB 346 BE AMENDED.**  
**EXHIBIT**(fih27a02)

**Discussion:**

00:24:09 Rep. Washburn

00:25:20 Rep. Cohenour

00:26:08 Rep. Washburn

00:26:25 **Vote:** Motion carried 11-7 by roll call vote with Rep. Boland, Rep. Boss Ribs, Rep. Cohenour, Rep. Phillips, Rep. Pomnichowski, and Rep. Van Dyk voting no. Rep. McAlpin voted by proxy.

00:27:47 **Motion:** Rep. Hendrick moved that **HB 346 DO PASS AS AMENDED.**

**Discussion:**

00:27:57 Rep. Milburn

00:28:34 Rep. Cohenour

00:29:22 Rep. Washburn

00:30:19 Rep. Barrett

00:30:47 Chairman Van Dyk

00:31:37 Rep. Cohenour  
00:32:25 Rep. Peterson  
00:32:40 Rep. Cohenour called the question on HB 346.  
  
00:32:56 **Vote:** Motion failed 2-16 by roll call vote with Rep. Hendrick and Rep. Peterson voting aye. Rep. Beck and Rep. McAlpin voted by proxy.  
  
00:34:21 **Motion:** Rep. Peterson moved that **HB 346 BE TABLED.**  
  
00:34:26 **Vote:** Motion carried unanimously by voice vote. Rep. Beck and Rep. McAlpin voted by proxy.

**EXECUTIVE ACTION ON HB 337**

00:35:04 **Motion:** Rep. Hendrick moved that **HB 337 DO PASS.**

**Discussion:**

00:35:24 Rep. Cohenour  
00:35:25 Rep. Washburn

00:35:44 **Motion:** Rep. Washburn moved that **HB 337 BE AMENDED.**  
**EXHIBIT(fih27a03)**

**Discussion:**

00:36:17 Rep. Washburn  
00:36:44 Rep. Miller  
00:37:02 Rep. Barrett  
00:37:28 Rep. Hendrick  
00:37:53 Rep. Peterson  
00:38:32 Rep. Washburn  
00:38:49 Rep. Cohenour called the question on the amendment.

00:38:54 **Vote:** Motion carried 15-3 by voice vote with Rep. Barrett, Rep. Boniek, and Rep. Phillips voting no. Rep. Beck and Rep. McAlpin voted by proxy.

00:39:24 **Motion:** Rep. Cohenour moved that **HB 337 DO PASS AS AMENDED.**

00:39:32 **Vote:** Motion carried 17-1 by voice vote with Rep. Boniek voting no. Rep. Beck and Rep. McAlpin voted by proxy.

**EXECUTIVE ACTION ON HB 42**

00:40:30 **Motion:** Rep. Cohenour moved that **HB 42 DO PASS.**

00:40:39 **Motion:** Rep. Cohenour moved that **HB 42 BE AMENDED.**  
**EXHIBIT(fih27a04)**

**Discussion:**

00:41:08 Rep. Cohenour

00:41:11 Mr. Sternberg

00:43:44 Rep. Hendrick called the question on the amendment.

00:43:48 **Vote:** Motion carried unanimously by voice vote.  
Rep. Beck, Rep. McAlpin and Rep. Phillips voted by proxy.

00:44:08 Chairman Van Dyk suspended debate on HB 42 awaiting a revised fiscal note.

**HEARING ON HB 317**

**Opening Statement by Sponsor:**

00:45:00 Rep. Timothy Furey (D), HD 91, opened the hearing on HB 317, Guarantee special hunting license forfeited because of military deployment.

**Proponents' Testimony:**

00:49:52 Dan Antonietti, Veterans of Foreign Wars (VFW)

00:50:24 George Golie, Montana Wildlife Federation

00:51:03 Hank Worsch, Department of Fish, Wildlife, and Parks

**EXHIBIT(fih27a05)**

00:52:22 Don Klepper, self

00:53:38 Mike Kruger, self

00:54:00 Jean Johnson, Montana Outfitters and Guides Association

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:54:27 Rep. Furey

**HEARING ON HB 366**

**Opening Statement by Sponsor:**

00:55:41 Rep. Tom McGillvray (R), HD 50, opened the hearing on HB 366, Authorize reciprocal fishing with adjoining states on contiguous river & stream.

[EXHIBIT\(fih27a06\)](#)

**Proponents' Testimony:**

00:59:47 Mark Aagenes, Trout Unlimited  
01:00:39 Todd O'Hair, Reo Tinto Energy America  
01:02:57 Rep. Beck

**Opponents' Testimony:** None

**Informational Testimony:**

01:05:32 Chris Smith, Department of Fish, Wildlife and Park  
[EXHIBIT\(fih27a07\)](#)

**Questions from Committee Members and Responses:**

01:06:30 Rep. Hendrick  
01:06:59 Rep. McGillvray  
01:07:17 Rep. Calf Boss Ribs  
01:07:39 Rep. McGillvray  
01:07:49 Mr. Smith  
01:08:15 Rep. Peterson  
01:09:09 Mr. Smith  
01:09:45 Rep. Peterson

**Closing by Sponsor:**

01:10:15 Rep. McGillvray

**HEARING ON HB 74**

01:12:23 Chairman Van Dyk asked Vice Chairman Gordon Hendrick to take over as temporary Chair.

**Opening Statement by Sponsor:**

01:12:59 Rep. Kendall Van Dyk (D), HD 49, opened the hearing on HB 74, Authorize archery seasons for mountain lion, wolf, bear.

**Proponents' Testimony:**

01:15:51 Mr. Smith

[EXHIBIT\(fih27a08\)](#)

01:17:15 Steve Kamps, Montana Bow Hunters Association

[EXHIBIT\(fih27a09\)](#)

01:18:12 Mr. Golie

01:18:38 Ms. Johnson

01:18:51 Aeric Reilly, self

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:19:33 Rep. Welborn

01:20:01 Rep. Van Dyk

01:20:32 Rep. Phillips

01:21:29 Rep. Van Dyk

01:22:10 Rep. Phillips

01:22:44 Mr. Smith

01:24:55 Rep. Washburn

01:25:40 Mr. Smith

01:27:02 Rep. Washburn

01:27:13 Mr. Smith

**Closing by Sponsor:**

01:27:57 Rep. Van Dyk

01:29:02 Chairman Van Dyk returned as chair.

**HEARING ON HJ 10**

**Opening Statement by Sponsor:**

01:29:37 Rep. Mike Phillips (D), HD 66, opened the hearing on HJ 10, Urge support for revenue to support wildlife adaptation to climate change.

**Proponents' Testimony:**

01:35:54 John Wilson, National Parks Conservation Association

01:39:50 Derek Goldman, Endangered Species Coalition

[EXHIBIT\(fih27a10\)](#)

01:44:02 Brianna Randall, Clark Fork Coalition

[EXHIBIT\(fih27a11\)](#)

01:46:43 Mike Leahy, Defenders of Wildlife  
01:48:18 Ken McDonald, Department of Fish, Wildlife, and Parks  
[EXHIBIT\(fih27a12\)](#)  
01:51:11 Mr. Aagenes  
01:52:08 Sarah Cobler, Montana Conservation Voters (MCV)  
01:53:13 Mr. Golie  
01:53:59 Casey Perkins, Montana Audubon

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:55:46 Rep. Boniek  
01:56:53 Rep. Phillips

**Closing by Sponsor:**

01:58:06 Rep. Phillips

**EXECUTIVE ACTION ON HB 166**

02:00:03 **Motion:** Rep. Cohenour moved that **HB 166 DO PASS.**

**Discussion:**

02:00:17 Rep. Peterson  
02:01:58 Chairman Van Dyk  
02:03:05 Rep. Cohenour called the question on HB 166.  
  
02:04:33 **Vote:** Motion carried 12-6 by roll call vote with Rep. Boniek, Rep. Milburn, Rep. Miller, Rep. Peterson, Rep. Smith, and Rep. Welborn voting no. Rep. Barrett and Rep. McAlpin voted by proxy.

**EXECUTIVE ACTION ON HB 172**

02:04:53 **Motion:** Rep. Peterson moved that **HB 172 DO PASS.**

**Discussion:** none.

02:05:44 **Motion:** Rep. Peterson moved that **HB 172 BE AMENDED.**  
[EXHIBIT\(fih27a13\)](#)



**Discussion:**

02:05:51 Rep. Peterson

02:07:40 Rep. Phillips

02:07:56 Rep. Peterson

02:08:24 **Vote:** Motion carried unanimously by voice vote.  
Rep. Barrett and Rep. McAlpin voted by proxy.

02:08:54 **Motion:** Rep. Peterson moved that **HB 172 DO PASS AS  
AMENDED.**

**Discussion:**

02:09:00 Rep. Peterson

02:09:36 Rep. Cohenour called the question on HB 172

02:09:41 **Vote:** Motion carried 17-1 by voice vote with Rep.  
Pomnichowski voting no. Rep. Barrett and Rep.  
McAlpin voted by proxy.

**ADJOURNMENT**

Adjournment: 5:13 P.M.

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Bryce Bennett, Secretary

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Additional Documents:

**EXHIBIT ([fih27aad.pdf](#))**